

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12-cv-25-RJC**

LEVON TODD,

Petitioner,

vs.

LEWIS SMITH,

Respondent.

**ORDER**

**THIS MATTER** is before the Court on limited remand from the Court of Appeals for the Fourth Circuit to determine whether Petitioner has shown excusable neglect or good cause for failing to file his notice of appeal in a timely manner. See (Doc. No. 26).

By order dated January 14, 2013, this court dismissed as untimely Petitioner's action brought under 28 U.S.C. § 2254. Petitioner's Notice of Appeal was filed, at the earliest, on February 23, 2013. In his Notice of Appeal, Petitioner states that he did not appeal in a timely manner because he was in solitary confinement during the thirty days in which to file his appeal. See (Doc. No. 23 at 3). Given Petitioner's explanation for his untimely filing, this Court finds that Petitioner has shown good cause warranting an extension of the appeal period.

The Clerk of this Court is instructed to notify the Court of Appeals for the Fourth Circuit of this Order.

Signed: December 11, 2013



Robert J. Conrad, Jr.  
United States District Judge

